REMARKS

By the present amendment, claims 1 to 8 are pending in the application. Claim 1 is the only independent claim.

§112, ¶2

Claims 1 to 8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In response to this rejection, claims 1 to 8 have been amended by the present amendment taking into account the comments of the Office Action. It is submitted that amended claims 1 to 8 of the present amendment are in compliance with the requirements of 35 U.S.C. §112, second paragraph.

With respect to the Office Action's objection to "silicon" in dependent claim 7 as one of the "metal species", it is submitted that it is well established that a patentee can be his own lexicographer. The specification of the present application at page 5, line 33 to page 6, line 6 clearly defines "silicon" as being within the meaning of "metal species" as applied to the metal oxide and/or metal hydoxide of the coat layer.

In view of the present amendment and foregoing remarks, it is respectfully requested that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

§103

Claims 1 to 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0072962 to Matsuzaki et al.

This rejection is respectfully traversed.

The Present Invention

The precoated metal sheet of the present invention, as defined in claim 1, comprises a stack of a coat layer and an organic resin layer on a metal or plated metal sheet,

with the coat layer being a metal oxide and/or metal hydroxide alone. This precoated metal sheet exhibits excellent coating material adhesion.

Patentability

Matsuzaki et al. (US 2003/0072962 Al) discloses a steel sheet comprising a zinc (or aluminum) or a zinc (or aluminum) alloy plated metal sheet, a composite oxide coating on the plated metal sheet, and an organic coating on the composite oxide coating (claim 1). The "composite" oxide coating of Matsuzaki et al. contains (a) oxide fine particles, (b) a phosphate and/or a phosphoric acid compound, and (c) at least one metal selected from the group consisting of Mg, Mn, and Al (paragraphs [0124] - [0127]), whereby the steel sheet of Matsuzaki et al. provides corrosion resistance (paragraph [0017]).

The "composite" oxide coating of Matsuzaki et al. is different from the coat layer of the present invention, which is a metal oxide and/or metal hydroxide alone. Matsuzaki et al. does not disclose or suggest a coating composed of an oxide alone. Further, Matsuzaki et al. aims at providing a corrosion resistant steel sheet, whereas the present invention aims at providing, in addition, a metal sheet excellent in coating material adhesion.

It is therefore submitted that claims 1-8 of the present invention are patentable over Matsuzaki et al.

CONCLUSION

It is submitted that by the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed for issue.

Respectfully submitted,

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